

**REMARKS****I. Claim Objections**

Claim 14 has been objected to. Claim 14 has now been amended to read "a reader/antenna" in response, and Applicant respectfully requests that this objection be withdrawn.

**II. Claim Rejections****A. Claim Rejections Under 35 U.S.C. § 102**

Claims 1, 2, 11-14 and 19 have been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Johnson, Jr., USPN 6,078,888 ("Johnson, Jr."). See Office Action at p. 2. The Examiner has cited Johnson, Jr. for allegedly disclosing: "associating a plurality of tags (Fig. 1, 100);" "aggregating tag usage (col. 2, lines 330-37);" "calculating a reward based on the aggregate tag usage;" and "attributing the reward to at least one collective account (col. 4, lines 30-38)." Id. Applicant respectfully submits that Johnson, Jr. does not disclose each and every limitation of independent claim 1, and specifically does not disclose at least the limitation, "attributing the reward to at least one collective account." Since claim 2, 11-14 and 19 are dependent from claim 1, Johnson, Jr. does not anticipate these claims for the same reasons.

The Examiner has cited Johnson, Jr. at col. 4, lines 30-38 for allegedly disclosing "attributing the reward to at least one collective account." Id. In his analysis, the Examiner described the at least one collective account as corresponding to the tag *issuer's* account of Johnson, Jr. Id. Thus, the Examiner has asserted that Johnson, Jr. discloses the limitation of attributing a reward based on aggregate tag usage by a tagholder to a tag issuer's account. Initially, Applicant cannot find a reference in Johnson, Jr. to a "tag issuer's account" and requests that the Examiner provide the specific reference such that an appropriate response may

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be prepared. In addition, Applicant submits that the cited section of Johnson, Jr. does not disclose attributing a reward based on aggregate tag usage by one or more tagholders to a different (*i.e.*, a tag issuer's) account. The cited section states:

Group III data arrangements are useful where sources other than the host recognize customer loyalty and *are allowed to provide the customer benefits based on a number of loyalty points accumulated on the tag*. The source may subtract a loyalty point for a benefit provided, as well as ensure the benefit should be provided by checking the loyalty points stored on the tag. However, it is undesirable to allow the local source to add loyalty points without authorization.

Johnson, Jr., col. 4, lines 30-38 (emphasis added). Applicant respectfully submits that this excerpt from Johnson, Jr. discloses the well-known practice of attributing a reward (loyalty points) to a *customer's (or tagholder's) account* based on customer loyalty (related to the tagholder's number of visits or amount of goods or services purchased). See Johnson, Jr., col. 2, lines 33-37. Note that the Examiner has cited this same section of Johnson, Jr. as disclosing the limitation of claim 1, "calculating a reward based on the aggregate tag usage." See Office Action at p. 2. There is no disclosure in Johnson, Jr. of attributing rewards, or loyalty points, to a different account, for example an account belonging to a *tag issuer*, based on aggregated tag usage of *tagholders* (or customers), as the Examiner has asserted. There is no disclosure in Johnson, Jr. of linking one or more tags with a collective account to which rewards earned by tag aggregate usage are attributed.

Since Johnson, Jr. does not disclose the limitation of attributing a reward based on aggregate tag usage to a collective account, Applicant respectfully requests that this rejection be withdrawn. Further, as noted, Johnson, Jr. does not anticipate claims 2, 11-14 and 19 since it does not anticipate claim 1.

**B. Claim Rejections Under 35 U.S.C. 103****1. Claims 3-8, 20-25 and 26-35**

Claims 3-8, 20-25 and 26-35 have been rejected as allegedly unpatentable over Johnson, Jr. in view of Hovakimian, USPN 5,466,919 ("Hovakimian"). Applicant respectfully submits that these claims are not unpatentable over Johnson, Jr. in view of Hovakimian because these two references combined do not disclose each and every element of claims 3-8, 20-25 and 26-35.

**a. Claims 3-8 and 20-25**

Regarding claim 3-8 and 20-25, the Examiner has cited Johnson, Jr. as allegedly teaching all of the elements of a method for attributing a reward to a collective account comprising associating a plurality of tag with at least one collective account; aggregating tag usage for at least one tag associated with at least one collective account; calculating a reward based on the aggregate tag usage; and attributing the reward to at least one collective account. See Office Action at p. 4. Further, the Examiner has cited Hovakimian for disclosing a method which enables a credit card holder to make a donation to a cardholder-selected charity any time he makes a purchase using the credit card. Id. The Examiner has stated that it would have been obvious to employ the system of Hovakimian with the transponder of Johnson, Jr.

As noted in section A, Johnson, Jr. does not disclose attributing a reward based on aggregated tag usage to a collective account. Johnson, Jr. discloses attributing a reward to a *tagholder*, or customer, related to the *tagholder's* number of visits or amount of goods or services purchased. Hovakimian also does not disclose attributing a reward based on aggregated tag usage to a collective account. Rather, Hovakimian discloses a method allowing a cardholder to make a donation using a credit card. In the method of Hovakimian, the card user, or tagholder, may make a donation to a charitable institution if he or she so pleases. However, there

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is no disclosure of aggregating tag usage to earn rewards where the rewards are attributed to a collective account. Also, there is no disclosure of linking a tag with the collective account that receives the reward. Therefore, Johnson, Jr. and Hovakimian, combined, do not disclose each and every limitation of independent claims 1 and 21 and therefore do not support a *prima facie* case of obviousness.

This distinction is clear by the discussion of Hovakimian on p. 5 of the Office Action. The Examiner discusses that the cardholder of Hovakimian has "more freedom to use his rewards earned by aggregated usages of a credit card or a tag linked to the credit card." This statement cannot be true if the collective account is disclosed by Johnson, Jr. is the tag issuer's account. In that case, the tagholder would not have any rewards earned by aggregate usage of a credit card or a tag linked to the credit card. Rather, the *tag issuer*, as the holder of the collective account, would enjoy the benefits of the earned reward. Thus, the collective account to which rewards based on aggregate tag usage are attributed cannot comprise a tag issuer account of Johnson, Jr. and still disclose the invention in combination with Hovakimian.

Since Johnson, Jr. in combination with Hovakimian does not disclose each and every limitation of claims 3-8 and 20-25, Applicant respectfully requests that this rejection be withdrawn.

**b. Claims 26-35**

Regarding claims 26-35, the Examiner has cited Johnson, Jr. as allegedly teaching all of the elements of a method for attributing a reward to a collective account comprising associating a plurality of tag with at least one collective account; aggregating tag usage for at least one tag associated with at least one collective account; calculating a reward based on the aggregate tag usage; and attributing the reward to at least one collective account. See Office Action at p. 4.

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Further, the Examiner has cited Hovakimian as allegedly disclosing that a cardholder can make donations to a selected charity, including the amount and interval of the donations. *Id.* at p. 5. The Examiner states that it would have been obvious to combine the system of Hovakimian with the transponder of Johnson, Jr.

The same reasoning applies as for claims 3-8, 20-25 and 26-35. Johnson, Jr. in combination with Hovakimian does not disclose attributing a reward based on aggregate tag usage to a collective account, where the collective account is the tag issuer's account. Since Johnson, Jr. in combination with Hovakimian does not disclose each and every limitation of claims 26-35, Applicant respectfully requests that this rejection be withdrawn.

2. Claims 9 and 10

Claims 9 and 10 have been rejected as allegedly unpatentable over Johnson, Jr. in view of Akiyama, USPN 5,745,049 ("Akiyama"). The Examiner states that Johnson, Jr. includes all the features of the claimed invention except that the tag comprises an LEC and LCD. According to the Examiner, Akiyama discloses a tag comprising a display using LED or the like and an LCD. The Examiner states that it would have been obvious to substituted the tag of Johnson, Jr. with the tag disclosed in Akiyama.

The same reasoning applies as for claims 3-8, 20-25 and 26-35. Johnson, Jr. in combination with Akiyama does not disclose attributing a reward based on aggregate tag usage to a collective account, where the collective account is the tag issuer's account. Since Johnson, Jr. in combination with Akiyama does not disclose each and every limitation of claims 9 and 10, Applicant respectfully requests that this rejection be withdrawn.

### 3. Claims 15 and 16

Claims 15 and 16 have been rejected as allegedly unpatentable over Johnson, Jr. in view of Ricci, USPN 6,463,039 ("Ricci"). Id. at p. 7. The Examiner states that Johnson, Jr. discloses all the elements of these claims except the mode of operation of the tags. Id. at p. 8. According to the Examiner, Ricci discloses a tag that operates in full-duplex communications mode. Id. Therefore, the Examiner states that it would have been obvious to have incorporated the tag capable of processing a full duplex mode as taught by Ricci. Id.

The same reasoning applies as for claims 3-8, 20-25 and 26-35. Johnson, Jr. in combination with Ricci does not disclose attributing a reward based on aggregate tag usage to a collective account, where the collective account is the tag issuer's account. Since Johnson, Jr. in combination with Ricci does not disclose each and every limitation of claims 15 and 16, Applicant respectfully requests that this rejection be withdrawn.

### 4. Claims 17 and 18

Claims 17 and 18 have been rejected as allegedly unpatentable over Johnson, Jr. in view of Khan, USPN 6,263,316 ("Khan"). Id. The Examiner states that Johnson, Jr. discloses all the features of the claimed invention except a sound generating device. According to the Examiner, Khan discloses a transponder comprising a sound generating device. The Examiner states that it would have been obvious to combine the tag of Khan to the tag transponder of Johnson, Jr.

The same reasoning applies as for claims 3-8, 20-25 and 26-35. Johnson, Jr. in combination with Khan does not disclose attributing a reward based on aggregate tag usage to a collective account, where the collective account is the tag issuer's account. Since Johnson, Jr. in combination with Khan does not disclose each and every limitation of claims 17 and 18, Applicant respectfully requests that this rejection be withdrawn.

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**CONCLUSION**

Applicant submits that the application is ready for allowance. Applicant hereby requests a one month extension of time for filing this Response, and authorizes the Director to charge the fee of \$110.00 for the extension along with the additional claim fee of \$438.00, for a total of \$548.00, to the undersigned's Deposit Account No. 50-0206. It is believed that no further fees are due in connection with this Response. If any further fees are due, please charge Deposit Account No. 50-0206.

FAX RECEIVED

Respectfully submitted,

HUNTON & WILLIAMS

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